

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JAMES B.,

Case No. 6:24-cv-01164-SB

Plaintiff,

ORDER

v.

COMMISSIONER SOCIAL SECURITY
ADMINISTRATION,

Defendant.

Pursuant to the parties’ stipulated motion, the Court hereby awards Plaintiff \$7,600.00 in fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d). Under *Astrue v. Ratliff*, 560 U.S. 586, 596-98 (2010), district courts’ EAJA fee awards belong to the social security claimant and are subject to offset under the Treasury Offset Program (“TOP”). Consequently, the Court’s EAJA fee award belongs to Plaintiff but is subject to offset. The Court’s EAJA fee award shall be made payable to Plaintiff’s attorney if the Commissioner agrees that Plaintiff has assigned his EAJA fee right to his attorney, Plaintiff does not owe debt that is subject to offset under the TOP, and waiver of the Anti-Assignment Act’s (“AAA”) requirements is warranted. If, however, Plaintiff owes debt subject to offset under the TOP, the Commissioner

cannot agree to waive the AAA's requirements, and shall make any remaining, post-offset EAJA fee award payable by check made out to Plaintiff but delivered to Plaintiff's attorney at the following address: Alan Stuart Graf, Attorney, 825 Merrimon Ave, Ste C, PMB # 354, Asheville, NC 28804.

IT IS SO ORDERED.

DATED this 25th day of April, 2025.



HON. STACIE F. BECKERMAN
United States Magistrate Judge